IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2916 OF 2005

Mr.Pandurang Mahadeo Rahate ...Petitioner.

Versus

Hindustan Construction Co.Ltd., and 3 Ors. ...Respondents.

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Mr.P.M.Rahate, petitioner in-person present.
Ms.S.V.Gajre, APP, for State.

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CORAM : SMT.V.K.TAHILRAMANI,J.
DATED : 28th February, 2007.

P.C.:

1. Heard Mr.Rahate the petitioner in-person and the learned APP for the State..

2. The petitioner has been convicted under Section 630 of the Companies Act, 1956 by the learned M.M., 31st Court, Vikroli, Mumbai in Case No.7/C/2001 by order dated 5th November, 2004. Being aggrieved by the said order, the petitioner preferred Criminal Appeal No.11 of 2005 before the Sessions Court. The said Appeal came to be disposed of by the Sessions Court by order dated 9.3.2005. Being aggrieved by the said order, this Writ Petition has been preferred.

3. I have perused the order dated 9.3.2005 of the learned Sessions Judge. It is stated therein that the appellant (petitioner herein) withdraws

the Appeal without prejudice to all the rights and contentions relating to the terms of employment between him and the company which can be decided in the Civil Suit pending between the parties before the High Court.

4. Looking to the fact that the petitioner himself has withdrawn the Appeal, the petitioner now cannot make any grievance in respect of the said order. Mr.Rahate, is trying to contend that the Appeal was withdrawn on the directions of the Sessions Court. However this submission does not impress me because admittedly the petitioner is a practising advocate and is not an ordinary layman. If it was not in his interest to withdraw the Appeal, he would not have withdrawn the same. The order clearly reflects that the Appeal was withdrawn by the petitioner. Hence, now the petitioner cannot challenge the order of the Sessions Court. No case is made out for interference. Writ Petition is rejected.

(SMT.V.K.TAHILRAMANI,J.)